

CHAPTER 16

Conduct and Discipline

16.1 Purpose and Scope

The purpose of this Chapter is to establish the standards of conduct for County employees and to prescribe procedures for warning and the progressive discipline of such employees.

16.2 Policy

It shall be the policy of Fairfax County government to ensure that all employees observe the Code of Ethics and the Standards of Conduct as prescribed herein. It shall be the policy of the County to ensure that all department heads and supervisors treat and discipline employees under their respective jurisdictions in a fair and equitable manner. Employees who feel they have not been so treated have a right to present their grievances following the procedures outlined in Chapter 17.

16.3 Definitions

-1 Informal Warnings

Oral Warnings - such actions are excluded under the grievance procedure

-2 Formal Warnings

Written Reprimands

-3. Formal Disciplinary Actions

a. Suspensions

b. Dismissals

c. Disciplinary Demotions

16.4 Responsibilities

-1 Each employee will:

a. Observe the Standards of Conduct, code of ethics, and other workplace rules.

b. Conduct him/herself, both on and off the job, in a manner, which will reflect credit on the County government, and respective departments.

-2 Department heads and supervisors will:

- a. Inform employees of rules governing conduct and discipline as well as other workplace rules and special requirements;
- b. Treat employees in a fair and equitable manner;
- c. Investigate apparent employee offenses obtaining complete facts and full justification, administer appropriate disciplinary action when warranted and as described in this Chapter; and
- d. Consult with the Human Resources Director or his/her designees if necessary where disciplinary action involving loss of pay is contemplated.

-3 Human Resources Director and his/her staff will:

- a. Provide information and guidance to supervisors at all levels on standards of conduct and effective use of progressive discipline;
- b. Provide advice and assistance to supervisors in the uniform and equitable interpretation and application of the provisions of this Chapter;
- c. Ensure that the workplace rules and special requirements established by department heads and supervisors are not in conflict with the provisions of this Chapter;
- d. Evaluate management practices in the administration of discipline and compliance with standards of conduct within departments and provide recommendations to department heads when such management practices require changes; and
- e. Advise department heads on policy and procedures and recommend appropriate action.

-4 Department heads will make the final decision on issuance of formal disciplinary actions of suspension, dismissal or disciplinary demotions.

16.5 Disciplinary Actions

Disciplinary action will be taken only for good cause and after careful review of allegations with a goal, where appropriate, of correcting problem situations. However, disciplinary action must be taken when warranted to promote the efficiency of the Fairfax County service. The severity of the disciplinary action will be determined by the severity of the misconduct and review of the employee's work record.

-1 Oral Reprimand or Warning. When a supervisor deems that an informal oral reprimand or warning is warranted, he/she will:

- a. Advise the employee, in private, of the specific infraction of the rule or breach of conduct and the date it occurred;
 - b. Allow the employee an opportunity to explain and weigh the explanation;
 - c. If warranted, administer the reprimand or warning informally; and
 - d. Maintain an informal record of the discussion with the employee's knowledge of such a record.
- 2 Written Reprimand. When a supervisor determines that an offense is of such a nature that a record should be placed in an employee's personnel file maintained within the Department of Human Resources, a letter of reprimand will be prepared. The letter will contain:
- a. Statement of charges in sufficient written detail to enable the employee to understand fully the violation, infraction, conduct or offense for which he/she is being disciplined;
 - b. Statement that it is an official letter of reprimand and that it will be placed in the employee's official personnel folder;
 - c. Previous offenses in those cases where the letter is considered a continuation of progressive discipline; and
 - d. Statement that similar occurrences could result in a proposal that more severe disciplinary action be initiated, up to and including dismissal.
- 3 Suspension. When a supervisor determines that an offense requires a more severe disciplinary action than a written reprimand, he/she will:
- a. Investigate alleged employee offenses promptly; obtain all pertinent facts in the case (time, place, events and circumstances) including, but not limited to, making contact with persons involved or having knowledge of the incident;
 - b. Discuss the case including the length of suspension with higher levels of supervision, where appropriate;
 - c. Consult with the Human Resources Director or his/her designee if necessary when suspensions are contemplated;
 - d. Prepare and submit advance notice letter to appropriate levels for review and approval; and
 - e. Consider employee's reply to the advance notice letter and make final recommendation to department head. The department head will make the of final decision.

- 4 Dismissal. The dismissal of an employee shall constitute the most severe type of disciplinary action authorized under this Chapter. This action should only be taken when a department head has determined that an employee is unsuited for employment in Fairfax County. When this determination has been made, the procedures outlined in the preceding paragraphs under Suspensions will be followed.
- 5 Disciplinary Demotion. Separate and apart from disciplinary actions described in the preceding paragraphs a department head may initiate a non-job performance demotion when an employee willfully violates or fails to comply with the requirements imposed by the Standards of Conduct or when an employee willfully participates in prohibited conduct as described by this Chapter. When such action is contemplated, the procedure outlined in the preceding paragraphs under Suspensions will be followed.
- 6 When disciplinary action is necessary, the department head may enter into an Employee Assistance Program Disciplinary Diversion Agreement under conditions set forth in procedures established by the Human Resources Director.

16.6 Criteria for Advance Notice Letter

- 1 The advance notice letter must include:
 - a. Statement of charges in sufficient detail to enable the employee to understand fully the violation, infraction, conduct or offense for which he/she is being disciplined;
 - b. Type of disciplinary action (suspension, dismissal, or disciplinary demotion);
 - c. A list of previous offenses, if any, which have been considered in arriving at the current disciplinary action;
 - d. Effective date of disciplinary action (no sooner than ten (10) business days from the date of advance notice letter) and employee's right to reply (three (3) business days from receipt of the letter);
 - e. Employee's right to grieve should the final decision result in a suspension, dismissal or disciplinary demotion; and
 - f. Statement that the action proposed, if implemented, will become a permanent part of his/her personnel file.

16.7 *Circumstances When Administrative Leave Is Appropriate Prior to Compliance with Advance Notice Letter Provisions*

When there is reasonable cause to believe an employee is guilty of a crime for which a sentence of imprisonment can be imposed or when circumstances are such that the retention of the employee in an active duty status may result in damage to County property or may be detrimental to the interests of the County or injurious to the employee, his/her fellow workers, or the general public, the department head or designee may temporarily assign him/her to duties in which these conditions will not exist or place the employee on administrative leave until appropriate disciplinary action, if any, is determined and the provisions of Section 16.6 have been followed.

16.8 *Probationary Employees*

- 1 The disciplinary procedures prescribed herein shall be applicable to those employees of the competitive service assigned to a merit position. Employees are not covered by the rules of progressive discipline until they have completed a probationary period of twelve (12) months and any extensions authorized in accordance with the provisions of Chapter 7 after original appointment and may be terminated without benefit of this procedure.
- 2 All employees are required to observe the Code of Ethics and Standards of Conduct prescribed herein.

ADDENDUM NUMBER 1 TO CHAPTER 16

STANDARDS OF CONDUCT

Each employee, regardless of grade or length of County service is responsible for promoting an image of professionalism at all times and as such **is expected to adhere to the following Standards of Conduct**. Violation of the Standards of Conduct is grounds for disciplinary action up to and including termination:

- Comply with a proper order of an authorized supervisor;
- Treat individuals, including subordinates, fellow employees and management alike, and those whom they serve, with respect, courtesy and tact regardless of age, race, color, religion, sex, national origin, marital status, disability, or sexual orientation;
- Dress in appropriate attire, uniform or safety equipment as specified by the standards and work rules for the agency and position;
- Maintain confidentiality with regard to client or customer information in accordance with state and federal law, County ordinance and County policy;
- Promote safe operations and comply with all appropriate safety and health regulations;
- Promptly report safety and health hazards so that they can be corrected before injuries result;
- Render full and efficient service and provide the highest level of customer service possible; and
- Comply with rules and regulations governing hours of work, absences, use of leave.

The following conduct is expressly prohibited. Employees who engage in any of the following are subject to disciplinary action, up to and including termination:

- Dispensing special favors or privileges or making private promises to anyone or accepting favors which might be construed as influencing the performance of County duties;
- Using information received confidentially in the performance of County duties as a means of making private profit;

- Engaging in criminal, dishonest, immoral or disgraceful conduct prejudicial to the County; or conviction of a crime which reflects negatively on the County;
- Soliciting or accepting anything of value in return for performing or refraining from performing an official act;
- Using County facilities, equipment, property or manpower for other than officially approved activities, such as excessive use of a telephone for personal reasons during business hours or charging long distance telephone calls to the County;
- Carelessly or willfully causing destruction of County property;
- Manufacturing, distributing, possessing, using or being under the influence of alcohol or illegal drugs while at work or on County premises, or while driving a vehicle on County business;
- Threatening or assaulting a fellow employee or the public;
- Falsifying any County record or report, (e.g., employment application, time and attendance reports or workers' compensation claims);
- Participating in mischievous actions such as horseplay, disorderly conduct or similar undesirable conduct;
- Using obscene language toward fellow employees, supervisors, subordinates and/or members of the public;
- Arriving late for work consistently;
- Engaging in outside employment without approval of the department head or designee;
- Abusing supervisor authority, such as gross favoritism, harassment or mistreatment of employees;
- Using racial, sexist or ethnic slurs or other language that denigrates any person on the basis of age, race, color, religion, sex, national origin, marital status, disability, or sexual orientation;
- Sexually harassing fellow employees, supervisors or subordinates;
- Bringing a gun, knife or other weapon, either concealed or displayed, to work or onto County premises, unless specifically authorized by the department head to do so;

- Knowingly operating a vehicle on County business with a revoked or suspended operator's permit;
- Engaging in rude or unprofessional behavior or disorderly conduct, even if the behavior is not expressly forbidden by regulation or law; and
- Violating any County policy or regulation not specifically set forth in this document.

ADDENDUM NUMBER 2 TO CHAPTER 16

CODE OF ETHICS FOR THE MERIT SERVICE OF FAIRFAX COUNTY, VIRGINIA

Any person in the merit service of Fairfax County, Virginia, should:

PUT loyalty to the highest moral principles to country, the Commonwealth of Virginia and Fairfax County above loyalty to persons, party or County government.

UPHOLD the Constitution, laws and legal regulations of the United States, the Commonwealth of Virginia and Fairfax County and never be a party to their evasion.

GIVE a full day's labor for a full day's pay; giving to the performance of work duties his/her earnest effort and best thought.

NEVER discriminate by the dispensing of special favors or privileges to anyone, whether for remuneration or not, and never accept, for the employee or his/her family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his/her official duties.

MAKE no private promises of any kind binding upon the duties of office since an employee or official of Fairfax County has no private word, which can be binding on public duty.

ENGAGE in no business with the County government, either directly or indirectly, which is prohibited by law or which is inconsistent with the conscientious performance of official duties.

NEVER use for private gain or disclose to unauthorized persons any information coming to him/her confidentially in the performance of official duties.

EXPOSE corruption wherever discovered.

UPHOLD these principles, ever conscious that public office is a public trust.

ADOPTED by the Board of County Supervisors
of Fairfax County Virginia, on January 9, 1963